

REMARKS/ARGUMENTS

Applicants respond herein to the Office Action issued on November 30, 2009.

The objections to the specification noted in paragraph 2 of the Office Action have been noted and the applicant has proceeded by adopting the Examiner's suggestions. The applicant has further noted the objections to the claims set forth at paragraphs 2-7 of the Office Action, and has adopted these changes as well. Accordingly, the Examiner is respectfully requested to reconsider and rescind the objections to the specification and to the claims.

The present application contains independent claims 1, 59 and 78 and various dependent claims, namely, 5-8, 10-13, 15-27, 30-38, 40-45, 47-49, 51-52, 54-58, 62-74, 79 and 82-110.

Substantively, the Office Action asserts that claims 78-79 are anticipated by Tallman (6,175,308). Claims 82-86 are stated to be obvious over Tallman and Simons (2006/0015503). Claims 1, 5-8, 11-13, 35, 40, 59, 63-65 and 70 are stated to be obvious over Tallman and Simons, further in view of Franklin (7,006,768). Claim 66 is also stated to be obvious over Tallman, Simons and Franklin. Claims 10, 15-19, 21 and 62 are stated to be obvious over Tallman, Simons and Franklin, further in view of Hirakata (7,138,974). Claims 20, 25-27, 87 and 88 are stated to be obvious over Tallman, Simons, Franklin and Hirakata, further in view of Steffie (2004/0251884). Claim 22 is being rejected on obviousness over Tallman, Simons, Franklin and Hirakata, further in view of Mollema (2003/0155869) and Baarman (6,731,071). Claims 23-24 are stated to be obvious over Tallman, Simons, Franklin, Hirakata, Mollema and Baarman, further in view of Fukushima (6,756,723). Claims 89 and 90 are stated to be obvious over Tallman, Simons and Franklin, Hirakata and Fukushima. Claims 36 and 37 are stated to be obvious over Tallman and Simons, further in view of Barber (7,212,112). Claims 41-45 and 71-74, 93 and 97 are stated to be obvious over Tallman and Simons, further in view of Irvin (6,768,909). Claim 30 is stated to be obvious over Tallman, Simons and Franklin, further in view of Hirakata and Zhang (6,528,782). Claim 52 is stated to be obvious over Tallman and Simons, further in view of Zhang. Claims 31-34 are stated to be obvious over Tallman, Simons, Franklin and Hirakata, further in view of Gong (2005/0032531), Fiset (6,861,658) and Cabrera (2004/0101312). Claims 68 and 69 are stated to be obvious over Tallman and Simons, Franklin and Gong, further in view of Fiset and Cabrera. Claims 47-49, 51 and 54-58 are stated to be obvious over Tallman and Simons, further in view of Dowling (7,309,965). Claim 67 is stated to be obvious over Tallman, Simons and Franklin, further in view of Steffie. Claims 91-92, 94-96 and 99-110 are stated to be obvious

over Tallman and Simons, further in view of Sweatte (7,109,869). Reconsideration is requested in view of the following remarks.

In the positioning system according to the instant independent claims, claim 1 being representative, the “terminal” (whose position is to be determined) is communicably connected to the illumination device and configured to extract unique information from the signal transmitted from the illumination device. The position estimation device communicates both with the terminal and also knows the position of the illumination device. The position estimation device is configured to read out from the illumination installation position information, the position information corresponding to the unique information (which is stored in the terminal) “based on one or more unique information extracted by the terminal within a past predetermined time period”.

A representative embodiment, described beginning at page 54, line 3, reads as follows:

“Further, as another example of the search processing of unique information in step R107, the unique information that has been received most often in the past predetermined time period may be extracted. Assuming that reception times corresponding to the three unique information that the terminal having terminal ID1 has received fall within the predetermined time period in the example of FIG. 73, illumination ID10 has been received twice while illumination ID03 has received only once. Therefore, in this case, illumination ID10 is extracted as a search result.”

The Office Action, at page 11, states: “Tallman does not teach said position information is read out within a past predetermined time period. Simons teaches said position information is read out within a past predetermined time period...” (drawing applicant’s attention to the Abstract lines 1-6 and to paragraph 37 and to Figure 4).

In claims 1 and 59, the recitation concerning the “position information corresponding to the unique information based on one or more unique information extracted by the terminal with a past predetermined time period”, refers to the terminal being the device which extracts one or more pieces of information “within a past predetermined time period”. Secondly, the position estimation device reads out from the illumination installation position information, the position information corresponding to the unique information based on the extracted one or more unique information.

In other words, claims 1 and 59 do not disclose the feature argued in the Office Action, namely that the position information is read out within a past predetermined time period, as such. It is not that the “information” was obtained in the “past” that is important. What claim 1 gets at

is that it communicates to the estimation device plural pieces of information obtained during a prior time interval. One would expect that the terminal would communicate a single data, the most recent one.

To elaborate on the foregoing, applicant now copies below the text of the Simons reference, at paragraph [0037]:

“[0037] The infrastructure computer 18 subsequently uploads the associated data to the database 20. This may be done immediately the associated data is generated, or the data may be collated by the infrastructure computer 18 on for example an hourly, or daily basis and the collated associated data uploaded overnight. The choice of how to collate and when to upload the data in this embodiment is a relatively simple consideration depending on the database and infrastructure service providers agreeing an appropriate schedule for upload.”

Nothing in this text, nor in the Abstract, nor in Figure 4 of this reference, discusses a configuration where the terminal itself stores several iterations of a particular unique information and thereafter an estimation unit studies that information to make a qualitative decision to determine where the terminal is located, based on one or several readings during a “past predetermined time period” which, in effect, means that several readings may be taken during that “past time period”. Thus, the claimed subject matter differs from what is disclosed in the cited art.

Further with respect to claims 1 and 59, please note that the Office Action, at page 9, line 17 to page 10, line 7, urges or alleges that the illumination device in claims 1 and 59 correspond to the “transmitters that transmit through infrared illumination” in Tallman.

Respectfully, the transmitter (infrared) (IR transmitter 220) of Tallman is not an illumination device, as recited in claims 1 and 59. The IR transmitter 220 (in Tallman) is used as a separate device and may not be used as the illumination device or any of its parts. Tallman does not disclose or suggest the illumination device of claims 1 and 59. Simons also does not disclose or suggest the claimed illumination device.

Accordingly, it is believed, and respectfully submitted, that the independent claims herein clearly distinguish over the art of record and so do, necessarily, their dependent claims, which impose further limitations on the aforementioned independent claims, respectively.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

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